REMARKS

The Office Action mailed on November 25, 2008, has been received and its contents carefully considered. Favorable reconsideration and allowance of the present patent application are respectfully requested in view of the following remarks. Upon entry of the present Reply, Claims 1, 4, 6 and 8 are pending in the present application. Claims 1, 4, 6 and 8 stand rejected. Claim 1 has been amended. Applicants submit that upon entry of the present Reply, Claims 1, 4, 6 and 8 are in condition for allowance. Moreover, Applicants submit that no new matter has been introduced by the foregoing amendments.

35 U.S.C. §103(a) REJECTIONS

Claims 1, 6 and 8 stand rejected under 35 U.S.C. §103(a) as allegedly being anticipated by Japanese Patent No. JP 9-327149 (hereinafter referred to as "JP '149") in view of U.S. Patent No. 3,559,027 to Arsem (hereinafter referred to as "Arsem"). Claim 4 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over JP '149 in view of Arsem and further in view of U.S. Patent No. 5,070,284 to Patil et al. (hereinafter referred to as "Patil"). Applicants respectfully traverse each of these rejections for at least the following reasons.

Independent Claim 1 is the sole independent claim presently under consideration. Claim 1 has been amended to more clearly define the claimed invention. Specifically, amended Claim 1 recites "the ball nut of the ball screw

mechanism is fixed to an upper part of the internal cylinder such that the ball nut does not contact an inner circumference of the external cylinder, and a screw shaft to be spirally engaged with the ball nut is connected with the rotary shaft of the motor...."

In contrast to the present invention, JP '149, as best understood, describes an internal cylinder (12) that is slidably coupled to an external cylinder (6). The internal cylinder (12) includes a ball-screw nut (11) coupled to one end of the internal cylinder (12) such that an external surface of the ball-screw nut (11) slidably contacts an internal surface of external cylinder (6). Moreover, as stated on page 6 of the Office Action "the ball nut (11) appears to only support the internal cylinder (12) at a top or bottom end surface of the internal cylinder (12)...." As a result, the Applicants respectfully submit that JP '149 does not describe or suggest "the ball nut of the ball screw mechanism is fixed to an upper part of the internal cylinder such that the ball nut does not contact an inner circumference of the external cylinder, and a screw shaft to be spirally engaged with the ball nut is connected with the rotary shaft of the motor", as recited in Claim 1.

Neither Arsem nor Patil, considered alone or in combination, resolve the deficiencies of JP '149 because both Arsem and Patil are silent regarding "the ball nut of the ball screw mechanism is fixed to an upper part of the internal cylinder such that the ball nut does not contact an inner circumference of the external cylinder, and a screw shaft to be spirally engaged with the ball nut is connected with the rotary shaft of the motor", as recited in Claim 1.

Furthermore, Applicants respectfully submit that JP '149 teaches away from Applicants' invention. If art "teaches away" from a claimed invention, such a teaching supports the nonobviousness of the invention. U.S. v. Adams, 148 USPQ 479 (1996); Gilette Co. v. S.C. Johnson & Son, Inc., 16 USPQ2d 1923, 1927 (Fed. Cir. 1990). In light of this standard, it is respectfully submitted that JP '149, as a whole, is not suggestive of the presently claimed invention and teaches away from the present invention. Specifically, as shown in Figures 1 and 2, JP '149 teaches a ball nut (11) that slides within the cylinder (6) and slidably contacts an interior surface of the cylinder (6). The sliding contact causes sliding friction which emits additional heat within the shock absorber. Therefore, JP '149 clearly teaches away from Applicants' invention, which discloses a "ball nut of the ball screw mechanism is fixed to an upper part of the internal cylinder such that the ball nut does not contact an inner circumference of the external cylinder, and a screw shaft to be spirally engaged with the ball nut is connected with the rotary shaft of the motor", as recited in Claim 1.

As a result, none of JP '149, Arsem and Patil, considered alone or in combination, teach or suggest every element recited in Claim 1.

For at least the reasons set forth above, Applicants respectfully submit that independent Claim 1 is patentable over JP '149 in view of Arsem and further in view of Patil. Since dependent Claims 4, 6 and 8 depend directly from independent Claim 1, Applicants respectfully submit that Claims 4, 6 and 8 likewise are patentable over JP '149 in view of Arsem and further in view of Patil.

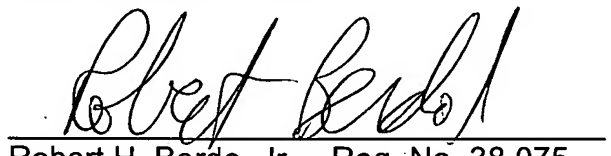
Accordingly, Applicants respectfully request that the 103 rejection of Claims 1, 4, 6 and 8 be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, at the telephone number listed below.

Should any fee be required, the Director is hereby authorized to charge the fee to our Deposit Account No. 18-0002, and is requested to advise us accordingly.

Respectfully submitted,



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Date

Robert H. Berdo, Jr. – Reg. No. 38,075
RABIN & BERDO, PC – Cust. No. 23995
Telephone: 202-371-8976
Fax: 202-408-0924

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